

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SARAH BUSTOS,)	
)	NO. CV-10-0117-LRS
Plaintiff,)	
-vs-)	
)	ORDER GRANTING DEFENDANT'S
)	MOTION TO DISMISS WITHOUT
BENEFICIAL IN-HOME CARE INC.,)	PREJUDICE
)	
Defendant.)	
)	
)	

Before the Court is Defendant's Motion to Dismiss and Motion for Summary Judgment, ECF No. 14, filed July 13, 2011. Plaintiff has not responded to said motion.

DISCUSSION

On June 9, 2011, the Court entered an ORDER Granting Counsel Steven Lacey's Motion to Withdraw as Counsel for Plaintiff (ECF No. 13). In that order, the Court ordered Plaintiff Sarah Bustos ("Plaintiff") to file a *pro se* appearance or have another attorney file an appearance on her behalf on or before July 9, 2011. No appearance has been made by Plaintiff or by another attorney on behalf of Plaintiff to date. Plaintiff has not filed any response to the instant motion, despite service upon Plaintiff to her last and only known address.

1 Defendant argues that Plaintiff has failed to cooperate with her
2 former attorney, participate in formal discovery, and disregarded this
3 Court's June 9, 2011 Order. Defendant concludes that Plaintiff's failure
4 to do so justifies dismissal of her claims pursuant to Fed. R. Civ. P.
5 41(b).

6 The Court has reviewed the file, pending Motion and supporting
7 documentation and is fully informed. The Court notes that written
8 discovery requests were propounded to Plaintiff through her attorney on
9 March 2, 2011. ECF No. 16, at 2. Plaintiff's former counsel made
10 numerous efforts to contact Plaintiff to procure answers to the same. Id.
11 Plaintiff made no effort to respond to the written discovery requests.
12 Id. To date, Defendant has not received responses to its discovery
13 requests. The Court finds that at this point, Plaintiff's non-compliance
14 goes beyond mere inadvertence. Accordingly,

15 **IT IS ORDERED** that:

16 1. Defendant's Motion to Dismiss and Motion for Summary Judgment,
17 ECF No. 14, filed July 13, 2011, is **GRANTED in part. Plaintiff's case**
18 **is dismissed pursuant to Fed. R. Civ. P. 41(b) without prejudice.**

19 The District Court Executive is directed to file this Order, provide
20 copies to counsel and plaintiff, entered judgment, and CLOSE THIS FILE.
21

22 **DATED** this 8th day of September, 2011.
23

24 ***s/Lonny R. Suko***

25 LONNY R. SUKO
26 UNITED STATES DISTRICT JUDGE

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